

Title:	Vehicle Accident Review Committee	
Purpose:	To reduce accidents involving City owned or controlled motor vehicles.	
Issued by:	Industrial Safety and Workers' Compensation	Date: February 15, 2005
References:	Mayor's Directives 32 (10-02-59), 56 (7-6-71), 84 (5-21-73) and 122 (3-29-76); CS Circulars 1069 (4-2-76), 1293 (6-19-81), 26-87 (12-1-87), 5-90 (4-20-90) and 10-96 (9-16-96); Finance Circular 541, as amended	

I. POLICY

It is the policy of the City and County of Honolulu (City) that all accidents involving City owned or controlled motor vehicles be reported and investigated. The Vehicle Accident Review Committee (VARC) shall review each accident and determine the cause(s), and action(s) that could have been taken to avoid or lessen the severity of the accident. Drivers will be notified of the VARC findings and recommendations. This policy does not apply to the Board of Water Supply and the Honolulu Police Department.

II. DEFINITIONS

"City Vehicle" means any vehicle owned or controlled by the City; or other motorized equipment owned or controlled by the City that can be driven under their own power such as a bulldozer, fork lift or mobile crane.

"Vehicle accident" means any unplanned event involving a City vehicle resulting in damage to a City vehicle, a third party vehicle, property, or personal injury.

"Unavoidable vehicle accident" means one that occurs in spite of all reasonable precautions taken by the driver (operator) to prevent the accident.

"Avoidable vehicle accident" means one where the driver (operator) of the City vehicle did not take all reasonable precautions to prevent the accident.

"Serious accident" means an accident that results in: 1) a fatality; 2) bodily injury to a person, who, as a result of the injury, requires emergency life support at the scene or immediate medical treatment away from the scene of the accident; or 3) where one or more vehicles incur disabling damages as a result of the accident, requiring the vehicle to be transported away from the scene of the accident by a tow truck or other vehicle.

Damage is disabling if the damage precludes the departure of any vehicle from the scene of the accident in its usual manner in daylight after simple repairs (e.g., minor damage to headlights or taillights may preclude driving the vehicle at night but may not be disabling in daylight). This includes damage to a vehicle that could have been operated but would have been further damaged if so operated.

"Less than serious accident" means an accident that results in: 1) no injury to a person, or minor injury that does not require immediate medical treatment away from the scene; and 2) no disabling damage to a motor vehicle to prevent the vehicle from being driven under its own power.

“Appointing authority” means the head of a department or agency vested with the power of appointment and dismissal, and includes subordinates who have been delegated authority for personnel management functions.

III. VARC ORGANIZATION

A. The VARC will include the following City employees or their designated alternates:

1. Chief, Industrial Safety and Workers’ Compensation Division, Department of Human Resources (DHR), VARC Chair.
2. Qualified driver trainers or safety specialists, appointed annually by the committee Chair with the concurrence of their respective department or agency heads.

B. All committee members shall be appointed by name, in writing, by the committee Chair at the beginning of each fiscal year.

C. At least two members of the VARC must be present during the meeting to constitute a quorum.

IV. RESPONSIBILITIES

Responsibilities for this program are established as follows:

A. Vehicle Accident Review Committee

1. Meet monthly to decide if vehicle accidents are avoidable or unavoidable on the part of City drivers.
2. Submit notification for findings and inform City drivers via department or agency heads of the actions that could have been taken to avoid or lessen the severity of the accident.
3. Schedule and conduct hearings for employees who wish to appeal a VARC decision, upon request.

B. Departments and Agencies

1. Support the VARC policy and provide members to the committee upon request. Ensure that department or agency VARC members or designated alternates attend the scheduled monthly meetings.
2. Instruct employees who operate City vehicles in the proper procedures for reporting vehicle accidents and ensure these procedures are followed.
3. Notify the City’s Risk Manager of vehicle accidents to comply with the Department of Budget and Fiscal Services Accident Reporting System (Circular 541, as amended). Ensure all vehicles assigned to the department or agency have the reporting forms in the vehicle.

4. Designate a responsible, qualified representative to conduct the vehicle accident investigation.
5. Review the Vehicle Accident Investigation Report (DHR-ISWC-VARC-1) and other pertinent documents for accuracy and completeness. It is important that the DHR-ISWC-VARC-1 report be prepared in sufficient detail to enable the VARC to arrive at a rational and fair decision.
6. Attach additional information to the DHR-ISWC-VARC-1 form such as regulations, work standards or operational procedures violated, employee training and mechanical failure reports, as necessary, to help the VARC assess the accident.
7. Allow the operator of the City vehicle to appear before the VARC when a hearing is scheduled.
8. Take appropriate action to improve driver performance based on VARC recommendations.
9. Follow the Avoidable Vehicle Accident Guidelines in Attachment A when taking corrective and/or disciplinary action against drivers involved in avoidable vehicle accidents. Actions taken by a department or agency are subject to grievance procedures covered by the appropriate collective bargaining agreements.

C. Department of Human Resources (DHR)

1. Maintain overall responsibility for the effectiveness of the VARC and this policy.
2. Maintain a central file of all vehicle accident reports.
3. Provide the Vehicle Accident Investigation Report form (DHR-ISWC-VARC-1) for use by departments and agencies with instructions for its use.
4. Chair the VARC.

D. Department of Budget and Fiscal Services (BFS)

1. Provide the Automobile Loss Notice form for use by departments and agencies with instructions for its use.
2. Maintain responsibility for the City's motor vehicle insurance program.
3. Maintain overall responsibility for the accident reporting requirements established under BFS Circular 541, as amended.

E. Accident Investigator

1. Investigate all accidents to determine the cause of the accident and recommend corrective actions to prevent recurrences of similar accidents. The investigation will be conducted using the DHR-ISWC-VARC-1 form. One copy of the investigation report shall be forwarded to the DHR Industrial Safety Branch within

seven (7) working days after the accident. (A supervisor, department driver trainer or safety specialist may conduct the accident investigation.)

2. Notify the department or agency head of all serious accidents.
3. Notify the DHR Industrial Safety Branch, Risk Manager and operator's Union of all serious accidents as soon a possible.
4. Attend VARC meetings as directed by the department or agency head or when requested by the VARC Chair.

F. Vehicle Operator Involved in a Vehicle Accident

1. Stop immediately and give aid to any injured person(s). Do not move the person(s) except to avoid further danger.
2. Move the City vehicle off the road to allow free traffic flow, if possible.
3. Notify the police as soon as possible. Call an ambulance if necessary. The property owner should be notified personally, or by note in cases where they are not available at the time of the accident. **THE POLICE MUST BE NOTIFIED OF ALL ACCIDENTS INVOLVING A CITY VEHICLE, NO MATTER HOW SLIGHT THE DAMAGE OR INJURY.**
4. Obtain the name, phone number and address of:
 - a) The other driver(s).
 - b) Witnesses (passengers in City vehicles or driver's helper may be listed as witnesses).
 - c) Injured person(s).
5. Obtain the license number, description of the other vehicle and name of other driver's insurance carrier.
6. Avoid arguments, accusations and admittance of fault.
7. Do not attempt personal settlement of the case with the operator of the other vehicle(s).
8. Complete the BFS Automobile Loss Notice form kept in all City vehicles. Document additional information that could be useful in the accident investigation. If the City driver is incapacitated, a passenger or supervisor may complete the Automobile Loss Notice form.
9. Inform supervisor as soon as possible of the accident. If supervisor is not available, then inform the next appropriate person.
10. Notify the DHR Industrial Safety Branch by telephone of all serious accidents as soon as possible.

V. PROCEDURES

A. Accident Investigator

1. The designated accident investigator shall investigate the vehicle accident and submit the findings to the DHR Industrial Safety Branch, via the department or agency head or division head on the DHR-ISWC-VARC-1 form. The vehicle operator should review the DHR-ISWC-VARC-1 form for accuracy and sign at the bottom before it is forwarded to the VARC.
2. The DHR-ISWC-VARC-1 form should be submitted within 7 days of the accident, only after a thorough investigation of all the facts surrounding the accident. The driver's immediate supervisor usually conducts this investigation, but the driver trainer or safety specialist assigned to the department may be involved in the investigation.
3. The DHR-ISWC-VARC-1 form is an investigative report that should help the VARC to understand the circumstances surrounding the accident and decide the cause of the accident so that preventive or corrective measures can be recommended to the driver.

B. Vehicle Accident Review Committee

1. Decide at the monthly VARC meeting whether each vehicle accident was avoidable or unavoidable on the part of the City driver.
2. Review information from the City's Vehicle Accident Investigation Report and other pertinent documents (police report) and information received at the VARC meeting to arrive at a decision.
3. Consider only facts concerning the accident in question. Information concerning prior accidents will not be disclosed or discussed.
4. Findings of the VARC will be made by a vote of members present after sufficient discussion. In the event of a tie vote, a decision of unavoidable will be made in favor of the driver.
5. If an accident is avoidable, the VARC Chair shall inform the driver of the actions that could have been taken to avoid or lessen the severity of the accident via the department or agency head.
6. The VARC's findings and recommendations shall be forwarded to the driver with a copy to the employee's department, agency or division. The DHR Industrial Safety Branch will also keep a copy.
7. No further action will be taken on unavoidable accidents by the VARC nor will they be considered in subsequent proceedings involving the same driver.
8. If the VARC decides an accident is avoidable, the Chair will submit a memo of Notification of Finding and Recommendation to the driver via the department, agency or division head.

9. The VARC's finding of avoidability will be final except where new evidence is presented on appeal by the employee.

A driver wishing to appeal a decision of avoidability shall file a Request for VARC Hearing form (DHR-ISWC-VARC-2, Attachment B), to the VARC Chair within 21 calendar days of the date on the Notification of Finding and Recommendation memo.

If a Request for VARC Hearing is not received by the VARC Chair within 21 calendar days of the Notification of Finding and Recommendation memo, the VARC Chair will notify the driver that the initial finding of avoidability is final.

10. Upon receipt of a Request for VARC Hearing, the VARC Chair shall notify the employee of the hearing date, time and location. The hearing shall be held during normal business hours and the requesting employee will not be entitled to overtime credit for attending.

If the employee cannot be present at the scheduled hearing due to illness or emergency, the VARC Chair shall be notified by calling 523-4231 before the scheduled time of the hearing. A new hearing date will be rescheduled to accommodate the driver.

11. A driver electing to appear before the VARC may have union representation or legal counsel present during the hearing; however, the driver shall make the presentation of all new evidence. The driver may also bring witnesses as necessary to testify on circumstances surrounding the accident.

An employee not wishing to appear before the VARC may submit a written statement of new evidence surrounding the vehicle accident for consideration. The statement shall be submitted to the committee for review within 21 calendar days of the Notification of Finding and Recommendation memo. The driver's statement will be considered by the VARC for final decision.

12. In all cases involving an appeal, the VARC will notify the driver of the final outcome. All VARC decisions following the appeal hearing are final.

VI. FORMS

- A. Automobile Loss Notice form. This form is used to notify the City's insurance adjuster that a vehicle accident has occurred. The driver of the vehicle must complete this Automobile Loss Notice form and submit it to the Risk Manager in the BFS.
- B. Vehicle Accident Investigation Report (DHR-ISWC-VARC-1). This form is used to provide details of the accident and the ensuing investigation. The supervisor, department driver trainer or safety specialist conducting the investigation must submit a copy of this report to the DHR Industrial Safety Branch within 7 working days of the accident. Forms are available from the DHR Industrial Safety Branch.
- C. Request for VARC Hearing form (DHR-ISWC-VARC-2). Drivers wishing to appeal a VARC decision of avoidability may use this form. The form must be submitted to the

VARC Chair within 21 days of the date on the Notification of Finding and Recommendation memo.

VII. AVOIDABLE VEHICLE ACCIDENT GUIDELINES

Avoidable Vehicle Accident Guidelines (Attachment A) were developed to help departments and agencies in their efforts to reduce vehicle accidents. The guidelines should help departments and agencies decide whether or not to take corrective and/or disciplinary action against City employees involved in avoidable vehicle accidents.

ATTACHMENT A

AVOIDABLE VEHICLE ACCIDENT GUIDELINES

I. PURPOSE

To provide guidelines for taking corrective and/or disciplinary action against City and County of Honolulu (City) employees who have avoidable vehicle accidents.

II. AUTHORITY

Section IV.B, Item 9, of the policy places responsibility on the City department or agency to follow these guidelines when taking corrective and/or disciplinary action against drivers involved in avoidable vehicle accidents.

III. APPLICABILITY

These guidelines shall apply to all departments, agencies and employees of the City except the Honolulu Police Department.

IV. CORRECTIVE OR DISCIPLINARY ACTIONS

An employee of the City who has an avoidable accident may be subject to one or more of the following actions, as appropriate:

A. Remedial Training and Education

For any avoidable accident, an employee may be required to complete remedial training and education along with other corrective or disciplinary action(s) taken, as appropriate. A qualified Driver Trainer shall conduct remedial training and education. An employee who does not successfully complete remedial training and education is subject to having the employee's driving privileges rescinded or removal from the employee's driving position, as appropriate.

B. Involuntary Placement or Rescission of Driving Privilege

An employee whose primary function is driving and who has a serious avoidable accident or has several less than serious avoidable accidents may be involuntarily demoted by the appointing authority into a position that does not require driving in accordance with Chapter 12-5 (a) (2) of the Civil Service Rules (CSR). An employee whose incidental function is driving and who has a serious avoidable accident or who has several less than serious avoidable accidents may either have driving privileges rescinded or may be involuntarily demoted. Rescission of driving privileges is an option only to the extent that such accommodation is operationally feasible.

To be considered for placement, the employee must meet minimum qualification requirements for the position. This action is subject to the availability of positions in the employee's division or department.

In the absence of positions, the employee may be subject to termination in accordance with Chapter 11-19 of the CSR.

C. Termination or Extension of Probation

An employee who has a serious avoidable accident or has several less than serious avoidable accidents during the employee's probationary period, may have the probationary period extended in accordance with Chapter 3-37(f) of the CSR, or terminated in accordance with Chapter 11-19(a)(2) of the CSR.

D. Disciplinary Action

Disciplinary action is based upon just and proper cause and in accordance with applicable provisions of a collective bargaining agreement and/or CSR. Actions taken by the appointing authority are subject to the grievance procedure in the appropriate collective bargaining agreement and/or CSR.

All avoidable accidents are subject to disciplinary action up to and including dismissal by the appointing authority.

Progressive discipline may be accelerated at the discretion of the appointing authority when similar types of avoidable accidents recur or when other multiple infractions occur in addition to the avoidable accident (e.g., complaints about poor driving or traffic citations).

The appointing authority or designated representative is responsible for assuring that discipline is based on just and proper cause and is consistently applied. It should be noted that there is no requirement to wait for a determination by the VARC prior to imposing discipline in cases where discipline is clearly warranted.

V. FITNESS FOR DUTY EVALUATION

After a vehicle accident, if the appointing authority has sufficient reason to believe that the accident was a result of a physical or mental impairment on the part of the employee, the appointing authority may refer the employee to the City's designated physician for a fitness for duty evaluation in accordance with Chapter 9 (Health and Safety) of the CSR.

ATTACHMENT B
REQUEST FOR VARC HEARING

TO: THOMAS S. VENDETTA, VARC CHAIR
DEPARTMENT OF HUMAN RESOURCES

FROM: _____
Name of Employee

VIA: _____
Employee's Department, Agency or Division

I wish to appear before the Vehicle Accident Review Committee and appeal the decision of avoidability for my vehicle accident of _____.
Date of Accident

At this hearing, I plan to present new information or evidence about the accident for the VARC to consider.

Employee's Signature

Date

NOTE: THIS REQUEST MUST BE SUBMITTED TO THE VARC CHAIR VIA YOUR DEPARTMENT OR AGENCY WITHIN 21 CALENDAR DAYS OF THE DATE SHOWN ON YOUR NOTIFICATION OF FINDING AND RECOMMENDATION.

DHR-ISWC-VARC-2